

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DELIA GRANADOS,

Plaintiff,

-against-

LUCY LANG; ANTHONY ANNUCCI;
DAVID HOWARD; LETITIA JAMES; NYS
DOCCS COUNCIL OFFICE,

Defendants.

22-CV-8804 (LTS)

ORDER

LAURA TAYLOR SWAIN, United States District Judge:

Plaintiff brings this action *pro se* and *in forma pauperis* (IFP). By order dated December 6, 2022, the Court dismissed the complaint, but granted Plaintiff leave to replead her claims. (ECF 16.) On December 19, 2022, Plaintiff filed a second amended complaint. (ECF 27.) By order dated February 6, 2023, the Court dismissed the second amended complaint. (ECF 35.) Judgment was entered on the court’s docket on February 9, 2023. (ECF 36.)

On February 13, 2023, Plaintiff filed a “Notice of Motion to Vacate the Order of Dismissal” (ECF 43) and a notice of appeal (ECF 41).¹ On February 22, 2023, Plaintiff filed a second notice of appeal (ECF 44) and a motion for an extension of time to file a notice of appeal (ECF 43). On February 24, 2023, the Court of Appeals for the Second Circuit entered an initial notice of stay of the appeal, noting that the appeal is stayed pending resolution of Plaintiff’s post-judgment motions. (ECF 42.) By order dated March 6, 2023, the Court construed Plaintiff’s motion to vacate the dismissal as a motion for reconsideration and a motion for recusal, and denied the motions. (ECF 45.)

¹ On February 14, 2023, the court transmitted the notice of appeal to the United States Court of Appeals for the Second Circuit.

The Court now denies Plaintiff's motion for an extension of time to file a notice of appeal. (ECF 43.) A litigant has 30 days from entry of the order or judgment he wishes to challenge to file a notice of appeal. Fed. R. App. P. 4(a)(1)(A). The Court entered judgment dismissing this action on February 9, 2023, and the Court received the first notice of appeal four days later, on February 13, 2023. Because Plaintiff's notice of appeal was filed within the 30-day deadline, the Court denies Plaintiff's motion for an extension of time to appeal as unnecessary.

CONCLUSION

Plaintiff's motion for an extension of time to appeal (ECF 43) is denied as unnecessary.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: March 6, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge